

Endangered Species Act debate continues

— **Field hearing held in Colorado, July 26.**

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Livestock producers continue to lament the ineffectiveness of the Endangered Species Act (ESA), because of the negative impact it has on their business and its inability to improve populations of the species it aims to protect.

A field hearing to review the ESA and its impact on producers was held by the subcommittee on Conservation, Credit, Rural Development and Research in Greeley, CO, on July 26. Chairman of the committee, Frank Lucas, and Congresswoman Marilyn Musgrave (R-CO), heard testimony from producers, producer organizations, and govern-



Chairman of the House Committee on Agriculture, Frank Lucas, R-OK, and Congresswoman Marilyn Musgrave, CO-R, listened and reviewed written testimony on how the Endangered Species Act affects producers at a recent field hearing held in Greeley, CO.

suggested that \$50 million in grants be provided to state programs and \$10 million to the Private Incentive Program.

Foutz further suggested that more money be put into keeping a species from being listed and that all efforts be voluntary with the landowner.

Jim Sims spoke on behalf of the Partnership for the West, an organization with members in the agriculture, coal mining, timber, manufacturing, engineering, and transportation industries, as well as members involved in the legal services, conservation, and property rights sectors. With this diverse representation, Sims was able to offer input on the legal, scientific, and practical aspects of the ESA.

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Sims had was to add a provision that would stretch out the time frame between a warranted listing of a species and the onset of critical habitat designation. To add to that, Sims said, "What if we added provisions to the Act that placed the focus more on species recovery than on the bureaucratic straightjacket of the critical habitat process." Sims added that the failed strategy of critical habitat would be replaced with locally driven conservation efforts.

To wrap up his testimony, Sims reiterated the failings of the current ESA, and asked for greater state and local input, along with defining recovery goals prior to a species being listed.

The final witness, on behalf of the efforts to the ESA,

from producers, producer organizations, and government agencies, each of which asked for reform from the ESA.

The first witness who testified on behalf of producers was Russell George, executive director of the Colorado Department of Natural Resources. George shed some light on the ESA, particularly its implementation and shortcomings, since his department encounters the ESA on a regular basis.

George highlighted the three major flaws of the ESA as identified by Colorado Governor Owens. Those flaws being: the lack of recovery of listed species, the lack of recognition of state participation by the government, and the fact that species can be recovered much easier without listing.

George continued to say that participation with private landowners could help species recovery more than imposing stringent regulations upon them under the ESA.

"Colorado has encountered tremendous success enlisting the participation of landowners who recognize the value in promoting species and enhancing recovery," George told Musgrave and Lucas. "Listing a species does nothing to encourage private conserva-

tion, and in fact, more than not, hinders private conservation actions."

The recommendations George made on behalf of the Department of Natural Resources was to amend ESA legislation to include publishing recovery goals at the time of listing. "If there is enough science to say the species requires listing, then that science also ought to be sufficient to say here's what's wrong with the species and here's how to recover the species," said George. "Then we all know how to respond and set our own targets, set our own budgets, and recover the species."

Another change George recommended that the House make was for the ESA to amend the standard of "best available science," and create a requirement for listing a species to include a peer review under stringent standards.

Jean Stetson, producer from Craig, CO, and co-chair of the Endangered Species Committee for the Colorado Cattlemen's Association (CCA), told the committee her own experiences with the ESA and the impact it has had on her family ranch. Stetson said that some requirements her ranch would be subject to would have put her out of business.

Currently, she and her husband are conducting conservation measures to preserve and protect the endangered sage grouse habitat on their property. Stetson offered Musgrave and Lucas a bird's eye view of all that entails in hopes they would gain a perspective of what the current ESA law means to landowners.

Stetson said, "It's time to change the focus of the Endangered Species Act. Reduce the regulatory burdens, and truly promote species recovery." Stetson continued to tell the subcommittee they need to encourage win-win projects—projects that will benefit the species, the land, and the people trying to make a living off the land. In doing so, she said government agencies overseeing the ESA should treat people who work and care for the land as partners, since they are often key components in species recovery.

Dr. Alan Foutz, eastern Colorado farmer and president of the Colorado Farm Bureau (CFB) made it clear to the subcommittee that farmers and ranchers are not opposed to saving endangered species, what they are opposed to is the arbitrary land use prohibitions that are imposed by species

habitat protection. Instead, the Farm Bureau believes species protection can be more effectively achieved by providing incentives to producers. "Desired behavior is always more apt to be achieved by providing a carrot rather than a stick," said Foutz.

As it is currently written, there isn't a "carrot" provided by the ESA. Therefore, CFB and the American Farm Bureau recommend that the ESA be amended to compensate landowners for what it costs them to harvest an endangered species on their property when they could otherwise be harvesting a commodity.

As part of the landowner incentive program, Foutz

Sims said he was there to proclaim the ESA is dead, but long live the ESA. Sims explained the statement saying the American people are overwhelmingly in support of this type of legislation, however the legislation in its current form is outdated and needs to be fixed.

Sims pointed out the gaps in scientific knowledge used to deal with species under the ESA and also asked that the ESA be amended to include peer-review science. Sims used the mistaken listing of the Preble's mouse in support of this statement.

Sims further asked for stewardship incentives, rather than the current punitive approach of the ESA.

Another recommendation

The final witness, on behalf of the effects the ESA has had on agriculture producers, was William Palmer, executive director of the Rocky Mountain Bird Observatory, Brighton, CO. Palmer's testimony carried a lot of weight with the subcommittee since his organization has been very successful in recovering species along the front range. Palmer explained they have had more success working with producers on conserving a species rather than imposing regulations on their land use.

All five witnesses agreed, ESA reform is needed immediately if it is going to fulfill the purpose it was originally created to do.

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